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State Supr

INSTRUCTIONS
FOR THE USE OF PUBLIC SCHOOLS,
WITH THE
LAWS RELATING THERETO,
BY THE
STATE SCHOOL SUPERINTENDENT.

1854

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PREFACE.

IN pursuance of the directions contained in the fifteenth section of the "Act to establish Public Schools," passed April seventeenth, eighteen hundred and forty-six, the State Superintendent presents the following copy of the acts relating thereto, with such instructions as appear to him likely to assist the school officers in the discharge of their duties. They are however to be considered rather as suggestions than definite instructions—a mere outline, which the intelligence of the officers will fill up. The Superintendent will at all times, when requested, give any information or advice upon the subject of our Public Schools.

JOHN H. PHILLIPS.

PENNINGTON, May 1st, 1854.

LAWS RELATING TO PUBLIC SCHOOLS.

AN ACT to establish public schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the trustees of the school fund of this state, for the time being, on or before the first Monday of April next, and on or before the first Monday of April in every year thereafter, to appropriate out of the annual income of said fund for the support of public schools, the sum of thirty thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant signed by the governor, upon the treasurer of the state, who is directed to pay the same; which sum so drawn from the treasury as aforesaid, shall be replaced by the annual income of said school fund, so soon as the same shall be received.

2. *And be it enacted*, That as soon as the said appropriation shall be made, it shall be the duty of the said trustees to apportion the same among the several counties of this state, in the ratio of the last taxes paid for the support of the government of this state, by the said counties, respectively, a true list of which apportionment shall be made out and filed with the treasurer, whose duty it shall be forthwith to give notice in writing to the collectors of the several counties, of the sum apportioned to each county; and the said collectors shall thereupon have power to draw for the same; and it shall also be the duty of the trustees of the school fund to prepare and submit to the legislature an

\$30,000 to be appropriated annually.

Trustees to make apportionment.

annual report, containing estimates and accounts of expenditures of all moneys appropriated by them, together with such other matters connected with the school fund, as they shall deem advisable.

Board of
chosen free-
holders to
make appor-
tionment to
townships.

3. *And be it enacted*, That the boards of chosen freeholders in the several counties of this state shall, at their annual meetings in each year, apportion among the several townships in their respective counties, the money so as aforesaid received from the treasurer, in the ratio of the county tax paid by the several townships, a true list of which apportionment shall be filed by the clerk of the said board, and a duplicate copy thereof filed with the county collector; and it shall be the duty of the clerks of said boards of chosen freeholders, respectively, as soon as such apportionment shall be made and filed as aforesaid, to give notice in writing to the collectors of the several townships in their respective counties of the amount so apportioned to the respective townships; and it shall be the duty of the said township collectors, on the receipt of such notice, to draw upon the county collector for the same.

Amount to be
raised by town
meeting

4. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized, empowered and required, at their annual town meetings, to raise, by tax or otherwise, in addition to the amount so apportioned to their use, such further sum or sums of money as they may deem proper for the support of public schools, at least equal to and not more than double the amount of such apportionment.

Town super-
intendent to
be elected.

5. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized and empowered, at their annual town meetings, to elect and choose, in the same manner as other township officers are elected, one suitable person, who shall be denominated a town superintendent of public schools for the respective townships, whose duty it shall be, on or before the second Monday in May next succeeding, to set off and divide their respective townships into convenient school districts, with power to alter

and change them, as circumstances may require; and in a case a district can be more conveniently formed of parts of two or more adjacent townships or counties, it shall be lawful for the town superintendents of such adjacent townships to make such division.

6. *And be it enacted*, That it shall be the duty of the town superintendent in each township, within twenty days after the school districts shall have been set off and divided as aforesaid, to prepare a notice in writing describing such districts, and appointing a time and place for the first district meetings, a copy of which notice shall be set up in three of the most public places within each of the said districts, at least ten days previous to the time of such meeting; and that district meetings shall be held annually, on the first Monday of April thereafter, of the time and place of which annual meeting ten days' notice in writing shall be given by the town superintendent.

Notice to be
given of dis-
trict meetings

7. *And be it enacted*, That it shall be lawful for the taxable inhabitants of the several school districts in this state, when assembled in pursuance of the notice given as aforesaid, to elect, by a plurality of votes, three or more discreet persons, who shall constitute the trustees for the respective districts, and who shall hold and exercise their offices for one year and until others are duly elected; and the said trustees may resolve and determine how many months in the year a school shall be kept and maintained within their respective districts, and may also designate a site for the district school house.

District trus-
tees to be
elected.

8. *And be it enacted*, That it shall be the duty of the board of chosen freeholders in each of the several counties of this state, at their annual meetings, to elect and choose two persons citizens of said county, who shall constitute a board of examiners and visitors in and for said county, whose duty it shall be to meet at such times and places as the said board of examiners shall determine and appoint, and, in common with the town superintendents of the respective townships, to exam-

Chosen free-
holders to
elect exam-
iners.

ine and license, by certificate under their hands and seals, suitable persons as teachers of public schools within said county, having regard always to their scholarship and moral character; which license shall be restricted to the county where the same may be given, but may be revoked and renewed at the pleasure of the board of examiners; and that the members of the said board of examiners shall receive, as a compensation for their services, the sum of one dollar for each and every day by them actually employed in the duties of their office, to be paid to them by the county collector; and in case the board of chosen freeholders of any county shall neglect to appoint examiners as aforesaid, then it shall be the duty of the town superintendent of each and every township in such county, to examine such teachers, and give such license as aforesaid; and no teacher shall be entitled to receive any amount of public money, unless possessed of a license.

Duties of district trustees.

9. *And be it enacted*, That it shall be the duty of the trustees of the several school districts in the state, as soon as may be after their election as aforesaid, to provide a suitable house or room, where a school shall be taught, and to contract with and employ a competent teacher, having a certificate of license for such county, and to pay the wages of such teacher, as far as the same shall be paid out of the public money, or money appropriated by the township, by an order in writing, signed by them, or a majority of them, stating the purpose for which it is given, and in favor of the one entitled to receive it; and it shall also be the duty of the said trustees, within twenty days after their election, to make out a list of the children capable of attending school, between the ages of five and sixteen years, within their said districts, together with the names of the parents or guardians of such children, and to transmit the same to the town superintendent of the township of which such district forms a part; and in case the trustees shall neglect or refuse to ren-

der such report, they shall be subject, respectively, to a penalty of ten dollars for each and every neglect.

10. *And be it enacted*, That it shall be the duty of the town superintendents in the several townships of this state, upon the receipt of the lists of children within the respective districts, transmitted to him as aforesaid, to apportion the money received by their respective township collectors as hereinbefore provided for, and also, all other moneys which may be raised by their respective townships for the support of public schools, among the several school districts so as aforesaid formed, in the ratio of the number of children capable of attending school, between the ages of five and sixteen years, in each district, a true list of which apportionment shall be made out, and a copy thereof filed with the trustees of the respective townships; it shall also be the duty of the town superintendent in each and every township, within ten days after his appointment, to receive from the township collector all moneys appropriated to school purposes, and who shall also enter into a bond to the inhabitants of said township, in their corporate name, with two good and sufficient securities, being freeholders and resident in said township, to be approved by the township committee; and the said town superintendent to pay over no money so appropriated as aforesaid, except upon the written order of the trustees, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the money, and endorsed by him; and the township collector is hereby authorized to pay over to the person so appointed town superintendent, all the money which he may receive, either from the county collector, or collected by himself, and take a receipt therefor, which shall be sufficient evidence of such payment.

11. *And be it enacted*, That it shall and may be lawful for the trustees of two or more of the school districts in any township, city, or borough of this state,

Duties of town superintendent.

Free schools may be established.

to unite and consolidate the respective quotas of the school money apportioned to them, for the purpose of establishing one or more free schools in said township, city, or borough; which school or schools, so determined upon, shall be under the supervision of the town superintendent, whose duty it shall be to determine what pupils shall be admitted, and upon what terms, and in general to discharge the office of trustees of such school or schools.

Patrons, &c.,
of organized
schools to re-
ceive rateable
proportion of
money assign-
ed to township

12. *And be it enacted*, That where the patrons or proprietors of any school already organized and established under the care of any religious society or denomination of Christians, whose church discipline provides for the establishment of schools and the appointment of trustees, are unwilling to relinquish such school, and become subject to all the provisions of this act, it shall be the duty of the trustees of said school to transmit to the town superintendent of their respective townships a certificate of their organization, together with a list of the children of such patrons and proprietors, between the ages of five and sixteen years, who are capable of attending school; whereupon every such school shall be entitled to receive its just and rateable proportion of the money assigned to said township out of the income of the school fund, and of such additional sum as may be raised or appropriated by said township for the support of public schools; which apportionment shall be made by the town superintendent of the respective townships, and a copy thereof filed with the township collector, whose duty it shall be to pay to the trustees of said school their just proportion of such moneys, for the use and benefit of said school.

Town superin-
tendent to
make annual
report.

13. *And be it enacted*, That it shall be the duty of the town superintendent in each and every township in this state to visit every school in said township, at least once in every quarter, to examine into the condition of the same, to advise and consult with the trustees and teachers, and cause the result of such visit

to be entered upon a book to be kept for that purpose in each and every school, and to make out a report in writing, and to transmit the same to the state superintendent of common schools on or before the fifteenth day of December, in each and every year, of the state and condition of the schools within their respective townships, the number of scholars taught therein, the terms of tuition, the length of time the school has been kept open therein, the amount of money received by him, and the manner in which it has been appropriated and expended, together with such other information as he may think necessary, or may be required by the state superintendent, a copy of which report shall be read at the next annual town meeting; and in case the said town superintendent shall neglect or refuse to make such report, he shall incur the penalty of ten dollars; the town superintendent of each and every township shall, within ten days after the expiration of his office, render to his successor in office a just and true account in writing of all school moneys received by him before the time of rendering such account, and of the manner in which the same has been appropriated and expended by him; and the account so rendered shall be delivered by such successor to the town clerk, to be filed in his office, and recorded by him in a book to be kept for that purpose; and if, on rendering such account, any balance shall be found remaining in the hands of the town superintendent, the same shall immediately be paid over by him to his successor in office; every town superintendent who shall refuse or neglect to render such an account as is above required, or neglect or refuse to pay over any balance in his hands, shall forfeit for each offence the sum of fifty dollars.

Penalty for
neglect or
refusal.

14. *And be it enacted*, That there shall be a state superintendent of public schools, whose duty it shall be to see that the laws respecting public schools are faithfully executed, and the moneys appropriated for their support fairly applied, to ascertain from exami-

State superin-
tendent—his
powers and
duties.

AN ACT supplemental to "An act to establish public schools,"
and to repeal certain acts.

Town commit-
tees to perform
duties of town
superintend-
ents.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the school committees of the several townships, cities, boroughs, and wards in this state, elected during the present year, shall perform the duties enjoined upon the town superintendents by the act entitled "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six.

Former acts
repealed.

2. And be it enacted, That the act entitled "An act to establish public schools," passed the first day of March, in the year of our Lord one thousand eight hundred and thirty-eight, and the several supplements thereto, be and the same are hereby repealed; *provided* however, that such repeal shall not affect any act done, or right accrued or established, or any election had or appointment made under or by virtue of the said act, or the supplements thereto, but the same shall remain as valid and effectual as if the same had not been repealed.

Provide.

3. And be it enacted, That this act shall take effect immediately.

Approved April 17, 1846.

A supplement to the act entitled "An act to establish public schools."

\$40,000 to be
appropriated
annually out
of the income
of the school
fund.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the trustees of the school fund to appropriate, in the manner provided for in the first section of the act to which this is a supplement, the sum of forty thousand dollars, every year, for the support of public schools

in this state; which sum shall be apportioned among the several counties, in the ratio of the population thereof, as ascertained by the last preceding census. <sup>Ratio of ap-
portionment.</sup>

2. And be it enacted, That the treasurer of this state is hereby directed to pay to the trustees of the school fund, on or before the first day of April, eighteen hundred and fifty-one, and on or before the first day of April of every year thereafter, the sum of forty thousand dollars, to be appropriated by them, in addition to the forty thousand dollars appropriated out of the annual income of the school fund, for the support of public schools in this state. <sup>\$40,000 to be
appropriated
annually out
of the state
treasury.</sup>

3. And be it enacted, That in case the board of chosen freeholders, in any county of this state, shall neglect to appoint a board of examiners, then it shall be the duty of the town superintendent, in connection with the trustees of the several school districts in such county, to meet at such times, in any school district, as the town superintendent shall appoint, to examine and license, by certificate, under the hands and seals of the said town superintendent and trustees, or a majority of such of them as shall attend at the time appointed, a suitable person or persons as teachers of public schools within said district, having regard always to their scholarship and moral character; which license shall be restricted to the district where the same may be given, and may be revoked and renewed at the pleasure of the said town superintendent and trustees, or a majority of them; and no teacher shall be entitled to receive any amount of the public money, unless possessed of such license. <sup>Duty of town
superinten-
dent when
freeholders
neglect to ap-
point exami-
ners.</sup>

4. And be it enacted, That the board of chosen freeholders shall, in the manner directed by the third section of the act to which this is a supplement, apportion among the several townships, in their respective counties, the money received from the treasurer for public schools, in the ratio of the number of children between the ages of five and eighteen years, as shall be ascertained by the last annual returns made to the several <sup>Freeholders
to apportion
to the town-
ships.</sup> <sup>Ratio of ap-
portionment.</sup>

town superintendents, a copy of which return shall be transmitted by the same town superintendents to the boards of chosen freeholders of the respective counties.

Duties of district trustees.

Money—how appropriated by the town superintendents.

Amount to be raised by town meeting.

Duty of district trustees.

Free schools to be established.

District trustees—how elected.

5. *And be it enacted*, That the district trustees shall, in the manner prescribed by the ninth section of the act to which this is a supplement, make out a list of the children between the ages of five and eighteen years, and transmit the same to the town superintendents; and apportionments of the school money shall be made by the town superintendents among the several school districts, in the ratio of the children therein, between the ages of five and eighteen years, unless otherwise made, as hereinafter authorized.

6. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized, at their annual town meetings, to raise, by tax or otherwise, in addition to the amount apportioned to their use, such further sum of money as they may deem proper for the support of public schools, not exceeding three dollars for each child contained in the lists transmitted by the several district trustees to the town superintendents, in the year previous to holding said town meetings; and it shall be the duty of the several town superintendents to report to the said town meetings the number of said children.

7. *And be it enacted*, That it shall be the duty of the trustees of the several school districts to apply the money apportioned to their respective districts, or raised therein, to the establishing and maintenance of free schools in said district, in which shall be taught, free of charge, all the children between the ages of five and eighteen, desirous of attending the same, except such part thereof as shall be otherwise applied by virtue of the provisions herein contained.

8. *And be it enacted*, That the taxable inhabitants of the several school districts shall, at their annual district meetings, elect, by plurality of votes, three persons, being residents and tax payers in said district, to be trustees of said districts; and, at the first election

held after this act shall take effect, they shall elect one of said trustees to hold his office for one year, one to hold his office for two years, and one to hold his office for three years, and afterwards one trustee shall be elected annually, to hold his office for three years; and in case of any vacancy, the same shall be filled by the election of a trustee, to hold for the unexpired term; *provided*, that the trustees may fill a vacancy, by choosing a trustee to hold his office until the next annual meeting.

Vacancy—how supplied.

9. *And be it enacted*, That when the trustees of any school district shall desire to become incorporated, they shall adopt a name, and together with the town superintendent of the township or townships in which said district is situate, they shall make and sign a certificate, containing a description of the boundaries of said district, and the name by them adopted, which certificate shall be recorded by the clerk of the county within which said district is situate, and thereupon the said trustees and their successors shall, by the name so adopted, be a body politic and corporate, capable of suing and being sued, of making and using a common seal, of taking and holding such real estate as may be necessary for school houses, and of disposing thereof, and of taking, holding, and disposing of any other estate, real and personal, that may be devised, bequeathed, or given to them for the use of public schools in said district.

10. *And be it enacted*, That whenever the trustees of any school district shall become incorporated, the said district shall not be abolished or altered without the consent of a majority of the taxable inhabitants of said district; and in case the same shall be abolished or altered, the town superintendents and the trustees shall make and sign a certificate thereof, and have the same recorded by the clerk of the county in which said district is situate.

School district—when incorporated how altered or abolished.

11. *And be it enacted*, That in case the trustees of any incorporated school district shall desire to purchase

Duty of trustees when money is to be raised for building school houses, &c.

land, to build a school house thereon, or to build or enlarge a school house, or to expend in repairs a larger sum in any one year than *twenty dollars*, or to pay existing debts, or to dispose of or mortgage a school house, or to raise additional money for such purposes, or for maintaining free schools in said district, such trustees may call a meeting of the taxable inhabitants of said district, at some public place therein, by notices, signed by at least two of said trustees, setting forth the time and place and the purposes of such meeting, and set up in at least three public places in said district ten days before the day of meeting; and the said inhabitants so met, shall have power, by the consent of two-thirds of those present, to authorize the trustees of said district to purchase land, to build a school house thereon, or to build, or enlarge, repair, sell, or mortgage a school house or school houses, and to appropriate the money apportioned to said district, or any part thereof, for that purpose, or to borrow money therefor, and to raise by taxation any such sum of money as two-thirds of the inhabitants so assembled, shall agree to, in addition to the money apportioned to said district; and in case any money shall be ordered, by a vote of two-thirds of said meeting, to be raised by taxation, two, at least, of said trustees, shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate; which said assessor or assessors shall assess, on the estates of the inhabitants of said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; which said money shall be assessed, levied and collected at the time and in the same manner as other township moneys are or may be assessed, levied and collected; and it shall be the duty of the collector or collectors of the township

How assessed and collected.

or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such vote of a district meeting, as aforesaid, to the superintendents of the township or townships in which said district is situate, for the use of said district, to be paid out, on the order of the trustees thereof, for the purposes directed by the district meeting so held as aforesaid.

12. *And be it enacted*, That the state superintendent of public schools shall have power to decide any disputes or controversies that may arise respecting the true construction of this act, and the act to which this is a supplement; and his decision, made in writing, and by him signed, and approved in writing by the attorney general, and delivered to any town superintendent or district trustee, shall be conformed to by all persons having notice thereof, until a different decision shall be made by the supreme court or any circuit court of this state.

13. *And be it enacted*, That so much of the act to which this is a supplement, or any other act, as conflicts with the provisions herein contained, is hereby repealed; *provided*, that nothing in this supplement contained shall repeal or alter the provisions of any act providing for or regulating public schools, or taxation for school purposes, in any particular city, borough, township, ward or district of this state.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1851.

A further supplement to the act entitled "An act to establish public schools."

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That in case of any vacancy

State superintendent to decide disputes, &c.

Parts of former acts repealed.

Vacancy in the board of trustees—how filled. in the board of trustees of any school district, the same may be filled by the taxable inhabitants of said district, provided the election to fill such vacancy is held on or before the first Monday of March.

Duty of the town superintendent.

2. *And be it enacted*, That the election to fill such vacancy shall be held upon ten days' notice of the time and place thereof, to be given by the town superintendent of the township in which said district is situate, by advertisement in three of the most public places in said district.

Time of notice

3. *And be it enacted*, That it shall be the duty of said superintendent to give notice as aforesaid within three days after he shall be notified of such vacancy, in writing, signed by ten or more of the taxable inhabitants of said district.

4. *And be it enacted*, That nothing contained in this supplement shall be construed to alter or repeal the provisions of any act providing for or regulating public schools, or taxation for public purposes, in any particular city, borough, township, ward or district of this state.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1854.

AN ACT to establish Teachers' Institutes.

Teachers' institutes authorized to be held.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever reasonable assurance shall be given to the state superintendent of public schools that a number not less than forty teachers of common schools, in any county or in any two or more adjoining counties of this state, shall desire to assemble for the purpose of forming a teachers' institute, and to remain in session during a period of not

less than five working days, the said state superintendent may appoint a time and place for holding said institute, make suitable arrangements therefor, and give due notice thereof, which said institute, when organized, shall be under the direction of such proper and competent person or persons as shall be selected by the institute or persons organizing the same, and the state superintendent shall approve.

2. *And be it enacted*, That for the purpose of defraying the expenses of said institute, the procuring of teachers and lecturers for said institute, and other necessary expenses, the state superintendent of public schools may draw upon the treasurer of this state for a sum not exceeding one hundred dollars for any one institute, and the said amount may be paid annually thereafter, in like manner, to one teachers' institute in any county, or in any two or more adjoining counties of this state, the same to be paid by the treasurer out of the annual income of the school fund.

3. *And be it enacted*, That every such institute shall report annually to the said state superintendent an abstract of the proceedings of said institute, together with the names of its officers and the names and residences of the teachers attending said institute.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1854.

INSTRUCTIONS.

INSTRUCTIONS, ETC.

POWERS AND DUTIES OF THE BOARD OF CHOSEN FREEHOLDERS.

SEC. 4. It is made the duty of the chosen freeholders in the several counties, at their annual meetings in each year, to apportion the money received from the treasurer for school purposes among the several townships in their respective counties, "in the ratio of the number of children between the ages of five and eighteen years, as shall be ascertained by the last annual returns made to the several town superintendents, a copy of which return shall be transmitted by the same town superintendents to the board of chosen freeholders of the respective counties."

SEC. 8. It is made the duty of the board of chosen freeholders, in each of the counties of the state, at their annual meetings, to elect and choose two persons, citizens of said county, who shall constitute a board of examiners and visitors in and for said county.

By reference to the law, it will be seen that it is the *duty* of the board of chosen freeholders to appoint county examiners, and it is to be regretted that in many instances they have failed to perform it. It is not *optional* but *obligatory*, and, so long as this section remains upon the statute book, the obligation should be promptly met. As much depends upon the judicious selection of these officers, it is hoped that the board of chosen freeholders, in each of the counties, will give it their careful consideration, and appoint men not only competent, but willing to perform the arduous and complicated duties of the office.

DUTIES OF CLERK TO BOARD OF FREEHOLDERS.

After the apportionment of the school money by the board

of freeholders, it is the duty of the clerk to file a true list thereof, furnish the county collector with a duplicate copy, and give notice in writing to the collectors, in the several townships, of the amounts so apportioned.

SEC. 19. It is the duty of the clerk to report to the state superintendent the names and residences of the persons appointed examiners and visitors in the different counties.

TOWNSHIP COLLECTOR.

SEC. 3. It is the duty of the township collector, as soon as he receives notice from the clerk of the board of chosen freeholders of the amount of money apportioned to the township, to draw upon the county collector for the same.

SEC. 10. To pay over to the town superintendent all the money he may receive for school purposes, either from the county collector, or collected by himself, and take a receipt therefor, which receipt shall be sufficient evidence of such payment.

TOWNSHIP CLERK.

By section 19, it is made the duty of the town clerk, in each township in this state, to report to the state superintendent the name and residence of the person elected town superintendent, within ten days after such election. This duty has not heretofore been generally complied with, and has caused great embarrassment to the department. Its prompt and faithful discharge is essential to the performance of the duties imposed on the state superintendent.

TOWN SUPERINTENDENT.

The powers and duties of town superintendent may be comprised under the following heads:

SEC. 5. To set off and divide their respective townships into convenient school districts;

To alter and change them, as circumstances may require;

To form a district from parts of two or more adjacent townships or counties.

SEC. 6. To give notice of the time and place of the annual meetings.

SEC. 8. To examine, in connection with the county examiners, or in case of there being none, with the trustees of the districts, suitable persons as teachers, and grant licenses to such as are deemed competent, regard being had to moral as well as literary qualifications.

When the trustees of any district desire to become incorporated, it is the duty of the town superintendent to sign the certificate containing a description of the boundaries of such district, if he shall find it correct.—Sec. 9, *sup.*

SEC. 10. To apportion the money received for school purposes among the several school districts of the township;

To make out a true list of such apportionment, and file a copy thereof with the trustees of the several school districts;

To enter into a bond with two good and sufficient securities, to be approved by the township committee;

To make out a list of the children residing in the township, between the ages of five and eighteen, and transmit the same to the board of chosen freeholders in their respective counties, at or before their annual meeting.—Sec. 4, *sup.*

SEC. 13. To visit every school in the township, at least once in every quarter;

To advise and consult with the trustees and teachers, and cause the result of each visit to be entered upon a book to be kept for that purpose in each and every school;

To make out a report in writing, and transmit the same to the state superintendent, on or before the fifteenth day of December, in each and every year;

To prepare, and present at the annual town meeting, a copy of the report sent to the state superintendent;

To transmit a copy of the list of children sent in by the district trustees to the annual town meeting.—Sec. 6, *sup.*;

To render to his successor in office a just and true account, in writing, of all moneys received by him for school purposes, and of the manner in which he has appropriated and expended them, and if any balance shall be found remaining in his hands, to pay the same over to his successor;

The account so rendered shall be deposited with the town clerk, whose duty it shall be to file it in his office, in a book to be kept for that purpose.

SEC. 18. In connection with the trustees, to select books proper to be used in the several schools of the township.

Of the formation and alteration of school districts, by section 17, it is provided, that in the erection or alteration of a school district, the trustees of any district to be affected thereby, may apply to have the township committee associated with the town superintendent, and their action shall be final.

In the formation of school districts, the town superintendent should endeavor, as far as practicable, to divide them in such manner as to secure permanency and efficiency, embracing a sufficient scope of territory to insure the requisite number of children and taxable inhabitants to sustain a good and sufficient school the greater part of the year, affording, as near as may be, equal advantages to all.

The great danger, at present, is in multiplying the number of districts, thereby rendering them incapable of sustaining good and sufficient schools, causing the employment of cheap teachers, and the selection of poor and ill furnished school houses.

In the formation or alteration of school districts, the greatest care should be taken to secure the good will and co-operation of the inhabitants, for without that, contention and discord will follow, which will greatly retard, if not effectually destroy the efficiency of the schools.

After the districts have once been formed, they should not be altered without good and sufficient cause; still, if such should exist, the town superintendent possesses the power "to alter and change them as circumstances may require," subject to the provisions of Sec. 17.

Whenever it is desirable to form a district from parts of different townships or counties, it will be necessary for the town superintendent of each of the townships affected to be present and consent thereto; and in case it should be desired by the trustees, the town committees of the several townships are to be associated with them.

All alterations in the boundaries of school districts should

be made prior to the annual meeting for the election of trustees, and notice thereof should be given to the trustees of the district affected thereby.

The annual meeting shall be held on the first Monday of April, of the time and place of which ten days' notice in writing shall be given by notice set up in three of the most public places in each district.

SEC. 2 and 3. *sup.* To give notice as directed, of the time and place of meeting for filling any vacancy existing in the board of trustees, when notified in writing by ten or more of the taxable inhabitants of the district of the existence of such vacancy.

APPORTIONMENT OF SCHOOL MONEY.

SEC. 10. As soon as the town superintendent has received the money appropriated to school purposes, and a list of children capable of attending school within the respective districts, he should immediately apportion the money among the several school districts, in the ratio of the number of children capable of attending school, between the ages of five and eighteen, in each district; he should also make out a true list of this apportionment, and file a copy with the trustees of each district. The superintendent should provide himself with a suitable book, wherein to enter a copy of all his official proceedings; which book should be delivered over to his successor, and be considered as the property of the township.

PAYMENT OF MONEY.

SEC. 10. The superintendent will bear in mind that he is to pay no money, except upon the written order of the trustees; or a majority of them; which order must state the purpose for which it is given, and be made payable to the order of the person entitled to receive it, and should be endorsed by him. It will be seen by section 20th, that all moneys received by the superintendent must be applied exclusively to the purposes of education. And by section 8th, no teacher is entitled to receive any amount of public money, unless in possession of a

license, either from the county examiners or the town superintendent and trustees.

VISITING SCHOOLS.

SEC. 13. It is the duty of the town superintendent, once in every quarter, to visit every school in the township. This is an important duty, the faithful performance of which will assist and encourage the teacher, advance the scholar, and elevate the standard of public school instruction. Experience has proved that a thorough and vigorous system of inspection tends much to promote the welfare of our schools. Both teacher and pupil see and feel that they are not abandoned and neglected, but on the contrary, are watched over and cared for; the desire of approbation and the fear of discredit will stimulate them to the greatest exertion, while the suggestions of the visitors will tend constantly to the improvement of the system of instruction, and methods of government, and the visitors will be more and more enabled to recommend proper measures, from their better acquaintance with the subject.

In order to render the visit of the town superintendent at once pleasing and profitable, he should, at one or more of his quarterly visits, invite the inhabitants of the district to attend and witness the examination of the school. This would afford an opportunity of showing the manner in which he performed his duty, the qualifications of the teacher, and the progress of the scholars. He could also, at the close of the examination, deliver a short address on the subject of education. He should make a thorough and impartial examination into every department of the school, and note the result, as required by section 13th, in a book to be kept for that purpose. By this means, he can, at his succeeding visits, judge whether the scholars have improved or otherwise; and if he should discover any remissness on the part of the teacher, or any want of system in his methods of government or teaching, he should tell him of the same in private and in the mildest manner, and use every means to elevate the character of the school and the teacher. By treating the teacher with respect, he will insure a more

ready concurrence with his wishes and advice, and at the same time set an example to the children, which will be attended with the happiest results.

SELECTION OF SCHOOL BOOKS.

SEC. 18. It is the duty of the town superintendent, in connection with the trustees of the several districts, to select the books proper to be introduced into the schools. In the performance of this duty, they should exercise much caution and bestow great attention. There is no subject upon which a greater diversity of opinion exists than in the relative merit of school books. It is almost impossible that a uniform series of school books should ever be adopted by our whole state, nor do I think it at all desirable, or that it would be attended with any advantage, except to the favored publishers and authors to whom a monopoly of supplying the schools would be given, thus shutting out all others who had devoted their time and talents to the preparation of books from a just share of patronage, and depriving the community of the benefit of those improvements which are being made in this department of literature.

I would, however, recommend that a uniform series of school books should be adopted and introduced into every township. This will facilitate the examinations of the town superintendent, as he can make himself familiar with one set of books more readily than if a variety are used. It will also assist the teacher, and tend to the more rapid advancement of the children. It will lessen the expense to parents, as the books can descend from one child to another, and, if sent to a different school, no change of books is required.

In selecting and adopting a series of books, the school officers should consult the wants and wishes of the inhabitants, and avail themselves of their advice and assistance; and in all cases let the selection be governed by a just discrimination of the merits of the different books, and their moral tendency, without regard to the recommendations which may be presented, no matter from whom emanating, or the entreaty of

agents, authors or publishers. All the publishing houses in New York, Philadelphia, or Boston, will furnish gratuitously copies of the works published by them, for the purpose of examination; and it would be well for the school officers to procure copies of the different works before coming to a conclusion.

ANNUAL REPORTS.

SEC. 13. The town superintendents are required to make out a report in writing, and transmit the same to the state superintendent, on or before the fifteenth day of December, in each and every year. The town superintendent will be careful to have his report transmitted at the proper time, as it would cause much difficulty in making out the report to the legislature, if all the reports are not received at the time specified.

The reports are required by the act to contain an account of the number, state, and condition of the schools within their respective townships; the number of scholars taught therein; the terms of tuition; the length of time the school has been kept open; the amount of money received by the town superintendent; the manner in which it has been appropriated and expended; together with such other information as he may think proper to communicate, or may be required of him by the state superintendent.

As the object of this report is to enable the state superintendent to present to the legislature a true and faithful representation of the schools as they exist, and to enable them to judge of the improvement made in successive years, the town superintendents will not confine themselves to fulfilling the mere letter of the law, but furnish whatever information they may possess, as to the condition of the schools, the operation of the law, the qualifications of teachers, their methods of government and discipline, with such suggestions for improvement as they may judge expedient.

Condition of school houses.—They will state the condition of the several school houses; of what materials built; number having one room; number having two, &c.; number in good

repair; and the number in bad or decaying condition; the number having play ground attached, and the number without.

They will also report the number of visits they have made to the different schools; the number of visits made by one or more of the trustees, and the interest manifested by the inhabitants generally.

They will also state the books most in use in the several schools.

POWERS AND DUTIES OF INHABITANTS OF TOWNSHIPS.

SEC. 6. The inhabitants of the several townships in the state are authorized at their annual town meetings to raise by tax or otherwise, in addition to the amount appropriated to their use by the state, such further sum of money as they may deem proper for the support of public schools, not exceeding three dollars for each child contained in the lists transmitted by the several district trustees to the town superintendent in the year previous to holding such town meetings.

SEC. 5. They are also, at the same time, to elect and choose in the same manner as other township officers are elected, one suitable person, who shall be denominated town superintendent of public schools for the respective townships.

SEC. 3. ~~Superintendent~~ ^{to the district} to give notice in writing, signed by ten or more of the taxable inhabitants of any vacancy occurring in the board of trustees.

POWERS AND DUTIES OF INHABITANTS WHEN ASSEMBLED IN THE DISTRICT MEETING.

SEC. 8, *sup.* The taxable inhabitants of the several school districts, when assembled in pursuance of the notice given by the town superintendent, at the annual meeting, are authorized and required "to elect, by plurality of votes, three persons, being residents and tax payers in said district, to be trustees of said district; and at the first election held after this act, they shall elect one trustee to hold office for one year, one for two years, and one to hold office for three years; and afterwards, one trustee is to be elected annually, who shall hold

office for three years, or if a vacancy occur, one to hold office for the unexpired term.

POWERS AND DUTIES OF TRUSTEES OF SCHOOL DISTRICTS.

SEC. 9. It is the duty of the trustees, as soon as may be after their election—

(1.) To provide a suitable house or room where a school may be taught.

(2.) To contract with and employ a competent teacher, having a certificate of license for the county.

(3.) To pay the wages of such teacher, as far as the same shall be paid out of the public money, by an order in writing on the town superintendent. This order must be signed by them, or a majority of them, and made payable to the order of the person entitled to receive the amount, and should also state for what purpose it is given.

(4.) Within twenty days after their election to make out a list of children capable of attending school (between the ages of five and eighteen) within their respective districts, together with the names of their parents or guardians, and transmit the same to the superintendent of the township of which the district forms a part. In case the trustees neglect or refuse to render such report, they shall be subject respectively to a penalty of ten dollars for each and every neglect.

SEC. 18. (6.) In connection with the town superintendent, to select such books as they shall deem proper to be introduced into the several schools of the township.

SEC. 7. *sup.* It is made the duty of the trustees to apply the money apportioned to their districts, or raised therein, to the establishing and maintenance of Free Schools. When the amount of public money is sufficient for the support of a free school for six months only, it is advisable for the trustees to divide the same into two portions, one for supporting a free school one quarter in the spring or summer, the other to support one the same period in the fall or winter. If a school is kept during the intermediate period, the expenses thereof should be assessed upon the scholar attending. This course is

evidently just, as it affords an opportunity for both classes of children, young and old, to attend, and receive the benefit of their proportion of the public money, but if a free school is opened during the spring and summer only, at a time when the larger children cannot attend in many country districts, that class would be entirely deprived of the benefit, and if, on the contrary, a free school was open during the fall and winter months only, when the smaller children would be prevented from attending by the inclemency of the weather, that class would be cut off; and the plan recommended above is believed to be just to both, and strictly within the spirit of the law.

SEC. 11. *sup.* The trustees are authorized, under this section, to expend, in repairs of school houses, a sum not exceeding twenty dollars in any one year.

When the inhabitants of an incorporated district have, by a vote of two-thirds of those present, authorized the trustees to raise any sum of money by taxation, it is the duty of two, at least, of the trustees to sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor of the township.—[See form in Appendix.]

INCORPORATION OF SCHOOL DISTRICTS.

SEC. 9. *sup.* The trustees of any school district may become incorporated. In order to do so, they should, at a regular or special meeting, pass a resolution declaring their intention. This should be recorded in the book of minutes, which every board of trustees should have. A name for the district should then be adopted, and a correct description of the boundaries of the district drawn up; and the certificate thereof should be signed by them, together with the town superintendent, and forwarded to the clerk of the county, to be by him recorded. [A form for this certificate, &c., will be found in Appendix.]

SEC. 10. After a district is incorporated, the boundaries thereof cannot be altered or abolished without the consent of a majority of the taxable inhabitants of said district, and in case it is altered or abolished, it will be necessary for the town

superintendent and trustees to sign a certificate thereof, and have it recorded by the county clerk.

The consent to such alterations should be obtained at a public meeting of the taxable inhabitants of districts.

Whenever it is thought desirable to raise any additional sum of money in an incorporated district, either for building school houses, repairing the same, or for the support of free schools, the trustees must call a meeting of the taxable inhabitants of the district, by notice signed by at least two of them; this should set forth the time and place of meeting, and the purpose for which it is called. These notices must be set up, at least in three public places, ten days prior to the day of meeting. [A form of notice will be found in Appendix.]

The inhabitants of the incorporated districts have power, when assembled in pursuance of legal notice, by the consent of two-thirds of those present, to authorize the trustees to purchase land, to build a school house thereon, or to build or enlarge, or repair, sell, or mortgage, a school house, and to appropriate the money apportioned to said district, or any part thereof, for that purpose, or to raise, by taxation, such sum of money as two-thirds shall agree to, in addition to the sum appropriated to the district for the support of free schools.

COUNTY EXAMINERS AND VISITORS.

SEC. 8. It is made the duty of the examiners and visitors of the several counties, to meet at such times and places as they shall determine and appoint, and in connection with the town superintendents of the respective townships, to examine and license, by certificate under their hands and seals, suitable persons as teachers of public schools within the said county.

As no teacher can receive any share of the public money until possessed of a certificate of license, it is desirable that the examiner should afford every reasonable facility to those who wish to offer themselves as candidates. With this view, they should appoint a day and place, in each township, when they will be in readiness to examine teachers, and the town superintendent of such town should be invited to attend, and

take part in the examination. The trustees of the different schools, and the inhabitants in general, should also be invited. Should any application for examination be made after the examiners have completed their regular tour of the county, they should be directed to appear at such time and place as will be most convenient for the examiners.

It is obvious that no definite standard of qualifications can be set up; much, of course, must be left to the discretion of the examiners. The law requires that they should be well satisfied, not only with the learning of the applicant and his ability to teach, but with his moral character. With respect to learning and ability to teach, the examiners can easily satisfy themselves; but as to moral character, the case is more difficult, and they must in a great measure depend upon testimony, either verbal or written, from persons known and of good standing. This is not a matter to be passed over slightly: it is of equal importance that our teachers should possess a pure moral character as well as learning and ability; and applicants for license should be rejected as soon, if not sooner, for a want of the former, than the latter. The men to whose guiding care is committed the formation of the innocent and plastic mind of childhood should themselves be pure. They should have characters to insure respect and confidence. They should not only point out the path of duty to the children, but walk therein themselves. It is recommended that no license be given without entire satisfaction on this point. At the same time it must be borne in mind, that while we have a right to examine scrupulously into their moral character, we have none whatever to interfere with their religious views.—These should never be brought in question. The same rule will apply to political opinions.

In order to establish some uniformity in the examination, I would suggest that the applicants should be good spellers and distinct and accurate readers; that they should write a good, legible hand, and be well versed—1st, in the definition of words; 2d, in arithmetic; 3d, in geography; 4th, in history, at least the history of the United States; and 5th, in the principles of English grammar.

Although the county examiners and visitors are not required by law to make any written report, it is earnestly requested that they will do so, and send it to the state superintendent, on or before the fifteenth day of December. This report may contain the number of applicants for examination, male and female—the number who have received license, and the number rejected—their opinion as to the general standard of qualification of the teachers in their respective counties—their views upon the school system generally, with such suggestions as they may see proper to offer.

DUTY OF THE TOWNSHIP ASSESSOR.

It is the duty of the township assessor, upon the receipt of a certificate, signed by two or more of the trustees of an incorporated school district, to assess, on the estates of the inhabitants of such school district, and all lands liable to be taxed therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting. This money is to be assessed, levied and collected, at the time and in the same manner, as other township moneys are or may be collected. This money, when collected, must be paid over to the town superintendent in which the district is situated.

The assessor should place the sums assessed against each person in a district in a distinct column of his duplicate, properly headed.

APPENDIX.

APPENDIX.

TOWN SUPERINTENDENT.

(Section 6.)

NOTICES.

District Meetings for the appointment of Trustees:

Notice is hereby given, that that part of the township of —, county of —, N. J., included within the following bounds, (*here describe the bounds of the district*), has been set off as a school district, to be called (*here specify the name or number of the district*) and the taxable inhabitants thereof are hereby notified, that a district meeting will be held at the school house in said district, on the — day of — next, (*or instant, as the case may be*), at — M., for the purpose of electing three or more discreet persons, who shall constitute the trustees for said district.

A. B., Town Superintendent
of — Township.

Notice of Annual Meeting for election of Trustees.

SEC. 6. The annual meeting for the election of trustees in school district (*here designate the district by name or number*) will be held on the — day of — (*next, or instant*), at — o'clock, — M., at the school house in said district.

A. B., Town Superintendent
of — Township.

Section 10.

FORM OF BOND.

Know all men by these presents, That we, A. B., C. D. and

E. F., of the township of —, in the county of —, and state of N. J., are held and firmly bound unto (*using the corporate name of the township*) in the sum of (*double the amount coming into his hands*) to be paid to the said —, their certain attorney or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated this — day of —, in the year of our Lord one thousand eight hundred and —.

Whereas the above bounden A. B. was duly elected town superintendent of public schools for the township of —, aforesaid, at the election held in said township on the — last (*or instant, as the case may be.*)—Now, therefore, the condition of the foregoing obligation is such, that if the said A. B. shall well and truly, faithfully and impartially, do, execute, and perform all the duties required by law of him as such town superintendent, then this obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered in presence of	{	A. B.	[L. S.]
		C. D.	[L. S.]
		E. F.	[L. S.]

(Section 10.)

Form of Apportionment among the Districts of a Township, of the School Money received from the State and raised by tax, and of the notice to the Trustees of the several Districts of such apportionment.

To the trustees of the several school districts of the township of —, in the county of —, N. J.

The following is a true list of the apportionment of the school moneys received from the state and raised by tax for school purposes in said township, among the several school districts thereof:

District No. 1, or designate district by name, as the case may be,-----	\$50 00
District No. 2,-----	62 50
District No. 3,-----	15 75

A. B., Town Superintendent
of — Township.

TRUSTEES.

(Section 9.)

Order for payment of money.

To A. B., town superintendent of the township of —, county of —, N. J.

Pay to —, or order, — dollars, (*for one quarter's salary as teacher.*)

A. B.	{	Trustees
C. D.		of District
E. F.		No. —.

(Section 9.)

Report to the Town Superintendent.

To A. B., town superintendent of the township of —, county of —, N. J.

Report of the trustees of district (*here designate the district by name or number*) in said township, of the names of the children in said district capable of attending school, between the ages of five and eighteen, with the names of their parents and guardians.

NAMES OF CHILDREN.	AGES.	NAMES OF PARENTS OR GUARDIANS.

A. B.	{	Trustees.
C. D.		
E. F.		

FORM OF A CERTIFICATE OF INCORPORATION.

To the clerk of the county of —.

The subscribers, trustees of the school district hereinafter described, situate in the township of —, desiring to become incorporated, in pursuance of the ninth section of "A supplement to the act entitled, an act to establish public schools," have adopted the name of (*here insert name,*) and do hereby,

together with the town superintendent of public schools for said township of —, certify to you the name aforesaid as our corporate name; and we do certify that the boundaries of said school district are the following, viz: (*here describe fully and minutely the boundaries.*)

Witness our hands, this — day of —.

A. B. }
C. D. } Trustees.
E. F. }

G. H., Town Superintendent.

SCHOOL NOTICE.

The taxable inhabitants of (school district —, in the township of —,) bounded as follows, (*insert boundaries,*) are hereby notified by the subscribers, trustees of said incorporated district, to meet at —, in said district, on the — day of — next, at the hour of —, P. M., for the purpose of deciding whether the trustees of said district shall be empowered to purchase land, to build a school-house thereon, (*add any other object,*) and to raise additional for such purposes, and for maintaining free schools in said district, by taxation, as shall be agreed to by two-thirds of those present at said meeting, in conformity with the eleventh section of the supplement to the act entitled "An act to establish public schools."

Witness our hands, this — day of —.

N. B. A minute of the proceedings of this meeting should be entered in a book belonging to the district, and a copy of the proceedings, signed by the chairman and secretary, delivered to the trustees, and by them filed and recorded in their book of minutes.

CERTIFICATE TO BE DELIVERED BY TRUSTEES TO ASSESSOR.

To A. B., assessor of taxes in the township of —, in the county of —.

The subscribers, trustees of a school district, in said township, incorporated by the name of —, which district is bounded as follows, (*insert boundaries*) do certify, that at a

meeting of the taxable inhabitants of said district, held at — on the — day of —, pursuant to notice, signed by us, setting forth the time and place and purposes of such meeting, and set up in at least three public places in said district, ten days before the day of meeting, it was agreed, by the vote of two-thirds of the taxable inhabitants so assembled, to raise by taxation the sum of — dollars for school purposes, in addition to the money apportioned to said district, pursuant to the provisions of the eleventh section of a supplement to the act entitled "An act to establish public schools;" and this certificate is made to the end that you may assess the said sum on the estate of the inhabitants, and on all lands liable to be taxed therein, as provided for by the section aforesaid.

Witness our hands, this — day of —.

A. B. }
C. D. } Trustees.

COUNTY OF —, ss.—Personally appeared before me, the subscriber, one of the justices of the peace for said county, A. B. and C. D., trustees of the school district above mentioned, and, being duly sworn, on their oath say, that the above certificate by them signed, is correct and true.

Sworn and subscribed this — day of —, before me.

FORM OF LICENSE TO TEACHER.

To all whom it may concern.

This is to certify, that we have examined A. B. in (*here specify the branches*) and finding him (*or her,*) both as regards his (*or her*) scholarship and moral character, a suitable person; we do hereby license him (*or her*) as a teacher of public schools in the township of —, in the county of —, N. J. This license to continue in force for one year.

In witness whereof, we have hereto set our hands and seals, this — day of —, one thousand eight hundred and fifty —.

— — [L. S.]
— — [L. S.]

Board of Examiners and Visitors in and for the county of —,
[L. S.]

N. J.,
Town superintendent of — township.

FORM OF APPLICATION FOR HOLDING A TEACHERS' INSTITUTE.

To A. B., State Superintendent of Public Schools of N. J.

The subscribers, teachers of common schools in the county of —, (or counties of, if two or more adjoining counties unite,) desirous of assembling for the purpose of forming a teachers' institute, in conformity with the provisions of the act "establishing teachers' institutes," request that you will appoint —, the — day of —, at —, in said county, as the time and place for holding said institute. (To be signed by not less than forty teachers.)

NAMES OF TEACHERS.	RESIDENCE.

SEC. 3. The institute shall report annually to the state superintendent an abstract of its proceedings, together with the names of its officers, and the names and residences of the teachers attending it.